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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,699	12/29/2000	Christoph Lodde	44815/250299	9410

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JOHN S. PRATT
KILPATRICK STOCKTON LLP
1100 PEACHTREE
SUITE 2800
ATLANTA, GA 30309

EXAMINER

ZIRKER, DANIEL R

ART UNIT PAPER NUMBER

1771

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☒ Responsive to communication(s) filed on 6/5/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1, 2, 4, 6-23 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 2, 4, 6-23 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 2, 4 and 6-23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, despite the recent claim amendments and the submission of new claims, a significant number of informalities and vague and indefinite statements are still present in the claims. In each of applicant's independent claims the fact that the fibers are "bonded to each other on the side opposite the adhesive coating by melting at a temperature of melting" or similar language thereof is not understood with respect to two particular issues. The first is that the "side opposite the adhesive coating" is not understood inasmuch as applicant's claimed structures refer only to a carrier coated on one surface with an adhesive layer. The second informality is that the phrase "by melting at a temperature of melting" or similar language thereto in each of applicant's independent claims 1, 18, 20 and 22 is not understood since the claim clearly states that two fibers with "different melting points" are during the "melting at a temperature of melting"; at the very least the claims are vague and indefinite on these particular two issues. In claims 7 and 8, the initials referring to polyethylene terephthalate (claim 7) and

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polybutylene terephthalate (claim 8) appear to have been mixed up. In claim 17, line 1, the phrase "adhesive tape roll using the adhesive tape mentioned in claim 1" is considered unduly vague, indefinite and informal. In claim 18, lines 4-5, it is not clear whether the "surface density of 130 g/m²" refers to the "adhesive coating" or the "synthetic rubber adhesive". The Examiner is further confused by the fact that in independent claims 18, 20 and 22 there is reference to "first fiber materials" and "second fiber materials" which "consist essentially of" in each case two numeric values that together add up to 100% (presumably weight percent is intended), i.e. this would appear to be redundant to the Examiner. Finally, in claims 18, 20 and 22 the Examiner is unfamiliar with the term "surface density"; clarification is requested.

3. Claims 1, 2, 4, 6-18, 20 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Riedel et al., taken either individually, or in view of Knoke et al., substantially for the reasons set forth in paragraph No. 5 of the final rejection, together with the following additional observations. Applicant argues (e.g., Response, page 8, second complete paragraph, page 9, second complete paragraph) that Riedel, taken either individually or in combination fails to disclose applicant's claimed limitation (e.g. claim 1, "whereby the adhesive tape can be wound onto itself without use of release

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sheets or release coatings and unwound easily ready for use without tearing the fibers from the tape-like support"). However, the Examiner remains unconvinced in the absence of a suitable comparative showing which to date has not been produced. That is, for example, there is no evidence whatsoever that the tape embodiments of Riedel, taken either individually or in combination, could not be unwound easily without tearing the fibers from the tape-like support, as applicant has so strenuously argued. In a similar vein, there is no evidence whatsoever on the record that would teach one of ordinary skill that the embodiments of Riedel would require the presence of a release liner, instead of just being a preferred embodiment as Riedel clearly states. Finally, applicant's remarks (Response, page 8, third complete paragraph) regarding the various "different melting points" and "the defined temperature of melting" is simply not understood. In summary, applicant has failed to rebut the prima facie case of record.

4. Claims 19, 21 and 23 are not rejected on the basis of adverse prior art.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (571) 272-1486. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (571) 272-1478. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-0994.

Dzirker:cdc

January 13, 2004

DANIEL ZIRKER
PRIMARY EXAMINER
GROUP ~~1300~~

1700

Daniel Zinker